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| 09/651,201      | 08/30/2000  | Hirohito Kondo       | 450100-02666        | 2236             |

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| EXAMINER |
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THAI, CUONG T

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| ART UNIT | PAPER NUMBER |
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2173

DATE MAILED: 01/30/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/651,201

Applicant(s)

KONDO ET AL.

Examiner

CUONG T THAI

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/15/03 RCE and 11/17/03 Amend B.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 6 and 9 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2173

**DETAIL ACTION**

1. This action is responsive to Request for Continued Examination filed on Dec/15/2003 and Amendment B filed on Nov/17/2003.
2. Claims 1-9 are presented for examination.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(a) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Kataoka et al. (USPN: 6,476,794) hereinafter Kataoka.

As per claims 1 (device), 4 (method) and 7 (storage medium), Kataoka discloses an information device comprising:

A display means for displaying a window and a setting screen for the predetermined object to be operated on the display screen is taught by Kataoka as the technique of a display system 13 and a Climate control; Audio and Visual; Traffic Information setting screens (see Figs. 7, 10);

A selecting and adjusting means for selecting any one of a plural number of menu items from said setting screen displayed on said display screen according to a rotation and push operation is taught by Kataoka as the technique of display system 131 allows user to selects any

Art Unit: 2173

one of menus of Tokyo, Chiba, Urawa, and Yokohama Traffic information according to the operation switch 121 (see col. 8, lines 48-51 and see Fig. 13) and for adjusting a setting condition with regard to said selected menu item according to the rotation and push operation is taught by Kataoka as the technique of the C-switches are constituted by a push/rotation switch C-1, and respective push/pull switches C-2 to C-5. In the case of Fig. 3 in which the A/C (air condition) mode is selected, the respective switches C1 to C5 have specific function as follows: the C-switch C-1 can switch on/off power supply of the air conditioner alternately by pushing the C1 switch. In addition the C-1 can also rotate. The C-switch C-2 displays the menu screen. The C-switch C-3 turns the air compressor on. The C-switch C-4 circulates the outside air in the air conditioner. The C-switch C-5 turns full automatic running of the air conditioner (see col. 5, lines 25-43);

A control means for setting said object to setting condition is taught by Kataoka as the technique of Fig. 7 shows the screen displayed in every mode in detail. In the audio mode, which has a large number of functions to be selected, four indications are displayed in accordance with the selected functions (see col. 8, lines 26-29 and see Fig. 7);

Wherein the window simultaneously includes (i) information corresponding to each of plural number of menu items from said setting screen and (ii) information corresponding to the rotation and push operation are taught by Kataoka as the technique of the state of switches and the state of information apparatus as the result of the state of switches are displayed simultaneously user-friendly (see Figs. 10 to 13 which will be described) (see col. 3, lines 19-22 and see Fig. 10-13) wherein the menu information of Climate Control (See Fig. 10), the menu information of Audio & Visual (see Fig. 11), the menu information of Navigation control (see

Art Unit: 2173

Fig. 12), and the menu information of Traffic information (see Fig. 13) are simultaneously displayed through the control of switch 121.

These claims are therefore rejected for the reasons as set forth above.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. (USPN: 6,476, 794) hereinafter Kataoka as applied to claims above in view of Sudo (USPN: 5,856,827).

As per claims 2 (device), 5 (method) and 8 (storage medium), Kataoka discloses the invention substantially as claimed above. Kataoka, however, does not disclose the limitation of selecting and adjusting means moves a slide bar provided corresponding to said selecting menu item according to rotation operation and adjusts to the setting condition corresponding to the stop position of slide bar according to push operation.

Sudo discloses the limitation of selecting and adjusting means moves a slide bar provided corresponding to said selected menu item according to rotation operation and adjusts to the setting condition corresponding to the stop position of slide bar according to push operation as

Art Unit: 2173

the technique of the jog dial 6J can be independently operated in the circumferential direction and the radial direction. As shown in Fig. 3, it comprises a disc-like member consisting of a rotary encoder which rotates around a rotation axis O in the circumferential direction (see col. 4 line 64 to col. 5 line 1), by rotating the jog dial 6J upwardly or downwardly in the first page displaying, the cursor can be moved upwardly or downwardly (see col. 6, lines 27-30) and the jog dial 6J is clicked after the user has operated the jog dial 6J and adjusted the cursor to the place of the desired group, the list of the functional desired items which belong to the selected group is displayed this time (see col. 9 line 67 to col. 10 line 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include selecting and adjusting means moves a slide bar provided corresponding to said selected menu item according to rotation operation and adjusts to the setting condition corresponding to the stop position of slide bar according to push operation introduced by Sudo into that of Kataoka's invention. By doing so, the system would be enhanced by allowing user to use cursor to scroll up and down the list by means of rotation operation prior to activate click/push operation.

*Allowable Subject Matter*

7. The following is an examiner's statement of reasons for allowance:

Examiner careful consider claims 3 (device), 6 (method) and 9 (storage medium); none of the prior arts of record discloses nor suggests the limitation of selecting and adjusting means moves the marker display with regard to multiple marker columns provided corresponding to

Art Unit: 2173

setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation. Kataoka (USPN: 6,476,794), Suga et al. (USPN: 5,497,455), Beaudet et al. (USPN: 5,559,945), Zellweger (USPN: 6,433,797), Sudo (USPN: 5,856,827), Kurtenbach (USPN: 5,926,178), Van Ee et al. (USPN: 6,208,341), Lane et al. (USPN: 5,704,051), and Schagen (USPN: 6,072,492) disclose a technique for displaying hierarchical menu on the display screen wherein user can manipulate and make selection based on user desired task. None of them, however, discloses nor teaches the limitation of selecting and adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation. Maeda (USPN: 5,666,477) discloses the type of marker or the presence of a marker (see col. 8, lines 23-24) in a menu preparation section; Maeda, however, does not disclose the limitation of selecting/adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Applicant's argument filed on Nov. 17, 2003 have been fully considered, but they are not persuasive.

On the last paragraph of page 7 to the second paragraph of page 8, Applicants argues that “It is respectfully submitted that the portions of Suga relied by the Examiner do not appear to disclose that its control window “**simultaneously includes** (i) information corresponding to each of plural number of menu items from said setting screen **and** (ii) information corresponding to the rotation and push operation” and “Accordingly, it is believed that amended claim 1 is distinguishable from the applied combination of Beaudet, Sudo, and Suga. For somewhat similar reasons, it is submitted that amended independent claims 4 and 7 are also distinguishable from the applied combination of Beaudet, Sudo, and Suga”.

The Examiner do agree that the combination of Beaudet, Sudo and Suga lacks from the teaching of wherein the window simultaneously includes (i) information corresponding to each of plural number of menu items from said setting screen and (ii) information corresponding to the rotation and push operation. However, the Examiner, does not agree that amended claims 1, 4, and 7 are allowed since newly found art issued to Kataoka teaches the limitation of wherein the window simultaneously includes (i) information corresponding to each of plural number of menu items from said setting screen and (ii) information corresponding to the rotation and push operation as the technique of the state of switches and the state of information apparatus as the result of the state of switches are displayed simultaneously user-friendly (see Figs. 10 to 13 which will be described) (see col. 3, lines 19-22 and see Fig. 10-13) wherein the menu information of Climate Control (See Fig. 10), the menu information of Audio & Visual (see Fig. 11), the menu information of Navigation control (see Fig. 12), and the menu information of Traffic information (see Fig. 13) are simultaneously displayed through the control of switch 121.



Art Unit: 2173

On the second paragraph of page 8, Applicants argues that “ Claims 2, 5 and 8 depend from one of claims 1, 4, and 7 and are therefore also distinguishable from the applied combination of Beaudet, Sudo, and Suga for at least the reasons previous described”.

The Examiner, however, does not agree to this argument. These claims are rejected due to their dependencies upon rejected based claims 1, 4, and 7 as set forth above.

### *Conclusion*

9. A shortened statutory period for response to this action is set to expired THREE MONTHS, ZERO DAYS from the date of this action. Failure to respond within the period for response will cause the application to be abandoned.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached at (703) 308-3116.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 746-7239 (Official Communication)

(703) 746-7240 (For status inquiries, Draft Communication).


Art Unit: 2173

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8000.

CUONG T THAI

Examiner

Art Unit 2173



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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January 16, 2004